

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

WP(C).No. 29373 of 2015 (V)

PETITIONER(S):

**BRIJO, S/O OUSEPH, AGED 35 YEARS,
KUTTIKKATTIL HOUSE, ERUMAPETTY P.O.,
ERUMAPETTY VILLAGE, THRISSUR DISTRICT,
(OWNER OF A LORRY BEARING REGISTRATION
NO.KL-7-AU-5292).**

BY ADV. SRI.P.M.ZIRAJ.

RESPONDENT(S):

- 1. THE VILLAGE OFFICER,
ANAKKARA VILLAGE,
PALAKKAD DISTRICT -678 702.**
- 2. THE DISTRICT COLLECTOR,
PALAKKAD DISTRICT-678 702.**
- 3. THE DISTRICT GEOLOGIST,
PALAKKAD DISTRICT-678 702.**

BY GOVT. PLEADER SMT.C.K. SHERIN.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 29373 of 2015 (V)

APPENDIX

PETITIONER'S EXHIBITS:-

**EXHIBIT P1: TRUE COPY OF THE MAHASSAR PREPARED BY THE
FIRST RESPONDENT DATED 20.08.2015.**

**EXHIBIT P2: TRUE COPY OF ORDER UNDER CLAUSE 6 OF THE KERALA LAND
UTILIZATION ORDER DATED 17.11.1984 ISSUED BY THE ASSISTANT
COLLECTOR, OTTAPPALAM.**

**EXHIBIT P3: TRUE COPY OF THE BUILDING PERMIT DATED 15.07.2015 ISSUED BY
THE SECRETARY, ANAKKARA GRAMA PANCHAYATH.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.29373 of 2015

Dated this the 5th day of October, 2015

JUDGMENT

The petitioner's vehicle bearing registration No.KL-7-AU-5292 has been seized alleging violation of the provisions of the Kerala Conservation of Paddy Land and Wet Land Act, 2008. The petitioner's case is that this is a converted land and he is reclaiming the land for constructing residential building based on Ext.P2 order under Clause 6 of the Kerala Land Utilisation Order (for short, the 'Order').

This Court is of the view that the second respondent shall verify whether any order has been issued under Clause 6 of the Order. If the construction is being undertaken based on a valid order, the vehicle shall be released to the petitioner without any conditions. Needful shall be done within one week from the date of receipt of a copy of this judgment by passing appropriate orders, otherwise, proceedings shall be concluded within a period of six weeks after hearing the petitioner.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE